

PATENT COOPERATION TREATY

From: INTERNATIONAL PRELIMINARY EXAMINING
AUTHORITY

<p>To Pichat, Thierry NOVAGRAAF TECHNOLOGIES 122, rue Edouard Vaillant F 92593 Levallois Perret FRANCE</p>		<p>PCT WRITTEN OPINION (regulation 66 of PCT)</p>	
		<p>Dispatch date (day/month/year) 04.06.2004</p>	
<p>Applicant or authorized representative file reference TP/BR 60754</p>		<p>DEADLINE FOR ANSWERING 3 months starting from the aforementioned dispatch date</p>	
International application No. PCT/FR 03/02177	International filing date (day/month/year) 10.07.2003	Priority date (day/month/year) 19.07.2002	
<p>International Patent Classification (IPC) or both national classification and IPC B60J7/20, B60J7/20</p>			
<p>Applicant FRANCE DESIGN et al.</p>			

1. The present written opinion report is the **first** report of this nature drafted by the international preliminary examining authority.

2. The present opinion report contains indications and the corresponding pages relating to the following points:

I	<input checked="" type="checkbox"/>	Basis of report
II	<input type="checkbox"/>	Priority
III	<input type="checkbox"/>	No formulation of opinion with respect to novelty, inventive activity and possibility of industrial application
IV	<input type="checkbox"/>	No invention unit
V	<input checked="" type="checkbox"/>	Justified statement according to rule 66.2(a)(ii) with respect to novelty, inventive activity and possibility of industrial application; references and explanations to support this statement
VI	<input type="checkbox"/>	Certain reference documents
VII	<input type="checkbox"/>	Irregularities in international application
VIII	<input type="checkbox"/>	Observations relating to international application

3. The applicant is **invited to answer** to the present opinion report.

When? Refer to the above deadline. The applicant may, before the deadline expires, request an extension of the latter to the international preliminary examining authority (cf. rule 66.2.d).

How? By producing an answer in writing, if need be, accompanied with changes according to rule 66.3.
As for wording and language, refer to rules 66.8 and 66.9.

Additionally: For an additional possibility of producing changes, refer to rule 66.4

As to the examiner's obligation of taking into account changes and arguments, refer to rule 66.4 a

For unofficially communicating with the examiner, refer to rule 66.6

If there is no answer, the international preliminary examination report will be drawn up on the basis of the present opinion.

4. The deadline date for drawing up the international preliminary examination report according to rule 69.2 is : 19.11.2004

Name and postal address of international preliminary examining authority European patent office D-80298 Munich Tel. (+49-89) 2399 - 0 Tx: 523656 epmu d Fax: (+49-89) 2399 - 4465	Authorized official BORRAS GONZALEZ Clerk for formalities (deadline extensions included) Häyriinen, N Telephone No. (+49-89) 2399 5970
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I. Basis of opinion report

1. Concerning **elements** of the international application (*replacement sheets that were submitted to the receiving office in response to an invitation made in accordance with article 14 are considered in this report as being "initially filed"*):

Disclosure, pages

1-21 as initially filed

Claims, No.

1-12 as initially filed

Drawings, sheets.

1/7-7/7 as initially filed

2. Concerning the **language**, all elements mentioned above were available to the authority or submitted to it in the language in which the International application was filed, unless mentioned otherwise under this point.

These elements were available to the authority or were submitted to it in the following language: that is:

- the language of a translation submitted for the purposes of the international research (according to regulation 23.1(b)).
- the publication language of the international application (according to regulation 48.3(b))
- the language of the translation submitted for the purposes of the international preliminary examination (according to regulation 55.2 or 55.3).

3. Concerning **nucleotide or amino acid sequences** disclosed in the international application (if applicable), the international preliminary examination was carried out based on the listing of sequences:

- contained in the international application, in written form
- deposited with the international application, in a form that can be decrypted by computer
- submitted to the authority later, in written form
- submitted to the authority later, in a form that can be decrypted by computer
- The declaration, according to which the listing of sequences in writing and supplied later does not go beyond the data disclosed in the application as deposited, was provided,
- The declaration, according to which the information recorded in a form that can be decrypted by computer is identical to the listing of sequences in this document in writing, was provided,

4. The modifications cancelled:

- in the disclosure, pages:
- in the claims, numbers:
- in the figures, sheets:

5. This present opinion report was formulated making abstraction (of some) of the modifications that were considered as going beyond the disclosure of the invention as deposited, as mentioned below (regulation 70.2(c)):

6. Complementary observations if applicable:

V. Justified statement according to regulation 66.2(a)(ii) with respect to novelty, inventive activity and the possibility of industrial application; references and explanations to support this statement

1. Declaration

Novelty (N)	Claims	
Inventive activity (IS)	Claims	1-12
Possibility of industrial application (IA)	Claims	

2. References and explanations

See separate sheet

(Separate sheet)

Concerning point V

Justified statement with respect to novelty, inventive activity and the possibility of industrial application; references and explanations to support this statement.

The following documents are referenced:

D1: EP-A1 136 295 (VALMET AUTOMOTIVE OY) September 26th, 2001 (2001-09-26)

D2: US 2001/004156 A1 (NINNESS RAYMOND W ET AL) June 21st, 2001 (2001-06-21)

D3: US- B-6 364 3961 (HAYASHI KENICHIRO ET AL.) April 2nd, 2002 (2002-04-02)

D4: US- B-6 352 2981 (HAYASHI KENICHIRO ET AL.) March 5th, 2002 (2002-03-05)

V.2.1 Independent claim 1

The present invention does not fulfill the conditions set forth in Art. 33 (1) PCT, the object of claim 1 does not involve any inventive activity as defined by Art. 33(3) PCT.

In the state of the art, a rear package tray system is known, which comprises a tray adapted to covering the space located between the back of seats and means for moving this tray toward a retracted position to allow the passage of roof components (see for example D1, column 5, lines 29-41 and figs. 1-5).

Therefore, the object of claim 1 differs from the state of the art in that:

The rear package tray includes a second tray attached to the hood under it and adapted so as to be entirely positioned under this hood in the closed position of the roof, and means for moving and guiding said second tray toward the front of the vehicle.

The problem which the present invention proposes to solve may therefore be considered as how to fill the space between the back of the seats and the front edge of said hood.

However, these distinctive features have already been used with the same purpose in an analogous rear package tray system, see D2, paragraphs [16]-[18] and figs. 3,4A and 4B. It is thus obvious to the skilled practitioner to apply these features with a corresponding effect, in a rear package tray system according to document D1 and to thereby obtain a system according to claim 1.

The solution provided in claim 1 of the present application is therefore not to be considered as inventive (Art. 33(3) PCT).

V.2.2 Dependent claims 2,3,6-9,11

Dependent claims 2,3,6-9,11 do not contain any feature which, combined with those of any of the claims to which they refer, define an object meeting the PCT requirements as to novelty and/or inventive activity.

V.2.3 General observations as to continuation of the proceedings

The combination of the features of claim 4 is however not comprised in the state of the art and obviously not inferred therefrom. It is therefore suggested that the applicant draw up a new independent claim in order to include these features therein.

The specification does not cite any document reflecting the state of the art described in page 1 (rule 5.1 a) ii) PCT).

To facilitate examination of amended documents of the application as to their compliance with the provisions of Art. 19(2) PCT, the applicant is invited to clearly identify the changes made, whether they

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are changes by addition, replacement or suppression, and to specify the passages of the application as filed, on which the changes are based.

If need be, these changes may be made in handwriting on one copy of the relevant portions of the application as filed.